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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

JAN 15 2015

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

Plaintiff,

v.

Civil Action No. 1:13CV215  
(STAMP)

CONSOL ENERGY, INC. and  
CONSOLIDATION COAL COMPANY,

Defendants.

V E R D I C T

1. Applying the definition of "employer" reflected in the Court's instructions, do you find by a preponderance of the evidence that defendant CONSOL Energy, Inc. was Beverly Butcher, Jr.'s "employer"?

☒ Yes ☐ No

If "Yes," then consider the following questions as applying to both defendants. If "No," then consider the following questions as applying only to defendant Consolidation Coal Company.

Title VII - Discrimination

2. Do you find by a preponderance of the evidence that Beverly Butcher, Jr. had a sincere religious belief that conflicted with an employment requirement?

☒ Yes ☐ No

[If the answer to Question No. 2 is "No," call the court security officer to return to the courtroom after the foreperson has signed and dated this form. If the answer to Question No. 2 is "Yes," proceed to Question No. 3.]

3. Do you find by a preponderance of the evidence that Beverly Butcher, Jr. informed his employer of this belief?

☒ Yes    ☐ No

[If the answer to Question No. 3 is "No," call the court security officer to return to the courtroom after the foreperson has signed and dated this form. If the answer to Question No. 3 is "Yes," proceed to Question No. 4.]

4. Do you find by a preponderance of the evidence that Beverly Butcher, Jr. was subjected to an adverse employment action either by being subjected to a material change in the terms or conditions of his employment or constructively discharged by his employer for his refusal to comply with the conflicting employment requirement?

☒ Yes    ☐ No

[If the answer to Question No. 4 is "No," call the court security officer to return to the courtroom after the foreperson has signed and dated this form. If the answer to Question No. 4 is "Yes," proceed to Question No. 5.]

5. Do you find by a preponderance of the evidence that Beverly Butcher, Jr. was provided by his employer with a reasonable accommodation?

☐ Yes    ☒ No

[If the answer to Question No. 5 is "Yes," call the court security officer to return to the courtroom after the foreperson has signed and dated this form. If the answer to Question No. 5 is "No," proceed to Question No. 6.]

6. Do you find by a preponderance of the evidence that each reasonable accommodation claimed in this case was an undue hardship on the conduct of Beverly Butcher, Jr.'s employer? In other words, do you find that such accommodation would have resulted in more than a de minimis cost to the employer?

☐ Yes    ☒ No

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[If the answer to Question No. 6 is "Yes," call the court security officer to return to the courtroom after the foreperson has signed and dated this form. If the answer to Question No. 6 is "No," proceed to Question No. 7.]

Title VII - Compensatory Damages

7. State the amount of compensatory damages you award.

\$ 150,000

1/15/15  
DATE

